

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TARA JEAN MCMANUS,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. C23-1248 RSM

**ORDER DENYING PLAINTIFF’S
MOTION TO APPOINT COUNSEL**

This matter is before the Court on Plaintiff’s second motion to appoint counsel. Dkt. 36.

As the Court explained in its previous order (Dkt. 27), there is generally “no constitutional right to counsel in a civil case.” *Adir Int’l, LLC v. Starr Indem. & Liab. Co.*, 994 F.3d 1032, 1038–39 (9th Cir. 2021) (internal citation omitted). Under 28 U.S.C. § 1915(e)(1), the Court may only appoint counsel for civil litigants “unable to afford counsel[.]” in “exceptional circumstances.” *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991) (quoting *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); 28 U.S.C. 1915(e)(1). In assessing whether “exceptional circumstances” exist, the Court will consider “the likelihood of success on the merits as well as the ability of the [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Neither of these factors is dispositive and both must be viewed together before reaching a decision[.]” *Wilborn*, 789 F.2d at 1331.

1 Plaintiff still has not presented sufficient evidence to establish a likelihood of success on
2 the merits. *See* Dkt. 35. Plaintiff's arguments appear to primarily rely on claims that do not fall
3 under the purview of the Social Security Act and on information unrelated to the evaluation
4 process of the Social Security Administration. *Id.* Plaintiff also has not shown the case involves
5 complex legal issues or facts or that it presents exceptional circumstances that would justify
6 appointing counsel. For the foregoing reasons, Plaintiff's motion to appoint counsel is DENIED
7 without prejudice. The Clerk is directed to send a copy of this Order to Plaintiff.

8 DATED this 18th day of June, 2024.

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11 Ricardo S. Martinez
12 United States District Judge
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